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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. 3:12-MJ-70294
)	
- v. -)	
)	STIPULATION AND PROPOSED
ELENA RAE ONTIVEROS,)	ORDER
)	AS AMENDED
Defendant.)	
_____)	

The United States of America, by its attorneys, Melinda Haag, United States Attorney, and W.S. Wilson Leung, Assistant United States Attorney, of counsel, and defendant Elena Rae Ontiveros, by her attorney, David Andersen, Esq., respectfully submit this stipulation and proposed order to request that the August 23, 2012 preliminary hearing in the above-captioned matter be continued until September 24, 2012.

The parties hereby stipulate and agree to the following:

1. Defendant Elena Rae Ontiveros was charged in a criminal complaint dated March 13, 2012, with violating Title 21, United States Code, Sections 846 and 841(a)(1), and Title 18, United States Code, Section 2. Ontiveros was arrested and subsequently presented before the

Honorable Nathanael M. Cousins on March 15, 2012. On March 20, 2012, Ontiveros was ordered released subject to an unsecured \$50,000 personal recognizance bond and other conditions.

2. Since Ontiveros's initial appearance, the parties have been trying to reach a disposition of this matter prior to the filing of an indictment. The parties continue to pursue these discussions and require additional time for this purpose. Among other things, the parties would like to continue to monitor Ontiveros's compliance with certain pre-trial release conditions, which may be material to their plea discussions.

3. Accordingly, the parties respectfully request that the August 23, 2012 preliminary hearing be continued until September 24, 2012, in order to allow the parties to pursue their plea discussions. Should this request be granted, the parties submit that time should be properly excluded under the Speedy Trial Act until the September 24, 2012 in the interests of justice and to ensure the effective assistance of counsel.

DATED: August 22, 2012

SO STIPULATED.

MELINDA HAAG
United States Attorney

By: /s/
W.S. WILSON LEUNG
Assistant United States Attorney

/s/
DAVID L. ANDERSEN, ESQ.
Counsel for Elena Rae Ontivero

FOR THE FOREGOING REASONS, IT IS HEREBY ORDERED THAT the August 23, 2012, preliminary hearing in the above-captioned matter is continued until September 24, 2012, ~~and time under the Speedy Trial Act shall be excluded through September 24, 2012.~~

DATED: August 22, 2012

